

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

APRIL BIAGIONI, Individually and)
as next friend of A.B., D.B., and J.B.,)
MARK BIAGIONI, Individually and)
as next friend of A.B., D.B., and J.B.,)
)
Plaintiffs,)
v.)
)
CITY SCHOOLS OF DECATUR,)
)
Defendant.)

Civil Action File No.
1:23-cv-00514-LMM

JOINT MOTION FOR STAY AND EXTENSION OF DISCOVERY

Come now the parties and, in accordance with LR 26.2, jointly move this Court to stay the discovery period in the above-styled action, currently set to expire on November 12, 2024, until March 17, 2025. The parties further move for this Court to extend the discovery period for sixty (60) days thereafter, through and including May 16, 2025. In support thereof, the parties show this Court the following:

1.

Plaintiff filed this action on February 2, 2023. [Doc. 1]. Defendant City Schools of Decatur (“CSD”) and then-Defendant Maggie Fehrman (“Dr. Fehrman”) timely filed a responsive Motion to Dismiss for failure to state a claim on April 24, 2023 [Doc. 11], after which Plaintiffs filed their First Amended Complaint on May

15, 2023 [Doc. 15]. Defendants filed a Motion to Dismiss Plaintiffs' First Amended Complaint for failure to state a claim on June 14, 2023. [Doc. 22].

2.

On February 2, 2024, this Court entered an Order granting in part and denying in part Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, including dismissing all claims against Dr. Fehrman. [Doc. 33].

3.

On February 14, 2024, CSD timely filed its Answer to Plaintiffs' First Amended Complaint. [Doc. 34]. Thereafter, discovery commenced on March 15, 2024.

4.

During the initial discovery period, both Plaintiffs and CSD served and timely responded to written discovery requests.

5.

On July 8, 2024, the parties filed a Joint Motion to extend the discovery period [Doc. 47], and this Court granted the parties' Joint Motion, extending discovery through November 12, 2024. [Doc. 48].

6.

During the extended discovery period, both Plaintiffs and CSD have supplemented their written discovery responses and have worked together diligently on disputed issues with written discovery.

7.

The parties require additional time to resolve outstanding issues with written discovery and to schedule the depositions of Plaintiffs and witnesses.

8.

During the extended discovery period, lead counsel for Plaintiffs, Anita Bala, has been on medical leave since the beginning of October 2024, and will not return until at least mid-January 2025.

9.

Lead counsel for CSD, Jill T. Young, will be taking maternity leave from November 18, 2024 to March 14, 2025.

10.

Due to the extended leave by counsel for both parties, the parties therefore respectfully request that this Court stay discovery from the date of an Order granting such stay until March 17, 2024.

11.

Thereafter, the parties respectfully request sixty (60) days, through and including May 16, 2025, to complete all discovery in this case. A proposed order is attached for the Court's convenience.

12.

This request is the first request for a stay of discovery and second request for an extension of the discovery period. It is made in good faith. No harm or undue delay will result. Both parties agree to make a good faith effort to conduct all remaining discovery in a timely manner.

Respectfully submitted this 4th day of November, 2024.

Counsel for Plaintiffs:

**BUCKLEY BALA WILSON MEW
LLP**

/s/ Kathleen B. Kacynski*
Anita K. Balasubramanian
Georgia Bar No. 372029
abala@bbwmlaw.com
Edward D. Buckley
Georgia Bar No. 092750
edbuckley@bbwmlaw.com
Kathleen B. Kacynski
Georgia Bar No. 587883
kkacynski@bbwmlaw.com
600 Peachtree Street, NE
Suite 3900
Atlanta, GA 30308
Telephone: (404) 781-1100
Facsimile: (404) 781-1101

*Signed with express permission
by Jill T. Young

Counsel for Defendant:

**WILSON, MORTON & DOWNS,
LLC**

/s/ Jill T. Young
Jill T. Young
Georgia Bar No. 367039
Keri P. Ware
Georgia Bar No. 737751

Two Decatur TownCenter
125 Clairemont Ave., Suite 420
Decatur, GA 30030
(404) 377-3638
jyoung@wmdlegal.com
kware@wmdlegal.com

CERTIFICATE OF COUNSEL REGARDING FONT SIZE

Counsel certifies by signature below that the foregoing has been prepared has been prepared in accordance with the font type, format, and margin requirements set forth in Local Rules 5.1(B)(3) and 7.1(D) of the rules of the Northern District of Georgia, using Times New Roman 14-point font.

This 4th day of November, 2024.

/s/ Jill T. Young
Jill T. Young

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

APRIL BIAGIONI, Individually and)
as next friend of A.B., D.B., and J.B.,)
MARK BIAGIONI, Individually and)
as next friend of A.B., D.B., and J.B.,)
)
Plaintiffs,)
v.)
)
CITY SCHOOLS OF DECATUR,)
)
Defendant.)

Civil Action File No.
1:23-cv-00514-LMM

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing JOINT MOTION FOR STAY AND EXTENSION OF DISCOVERY with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel via e-mail:

Anita K. Balasubramanian, Esq. abala@bbwmlaw.com
Edward D. Buckley, Esq. edbuckley@bbwmlaw.com
Kathleen B. Kacynski, Esq. kkacynski@bbwmlaw.com
Buckley Bala Wilson Mew LLP

This 4th day of November, 2024.

/s/ Jill T. Young
Jill T. Young
Georgia Bar No. 367039